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Liquidating Trust*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:) Case No. 08-35653 (KRH)
)
CIRCUIT CITY STORES, INC., <u>et al.</u> ,) Chapter 11
)
Debtors.) (Jointly Administered)
)

DISCOVERY SCHEDULING ORDER

Claimants Roy Eisner and Joanne Eisner (collectively, the “Eisners” and/or “Claimants”) filed on or about January 8, 2009 and January 14, 2009 claims against the Debtors, Circuit City Stores, Inc., *et al.* (“Debtors”), for personal injuries in the amounts of \$10,000,000 and \$1,000,000 respectively. Claimants filed their claims as a general unsecured, non-priority claim. The Claims Agent appointed by the Court designated these claims as claim number 3025 and claim no. 3825 (collectively, the “Eisner Claims”).

Counsel for the Claimants and Debtors (collectively “Parties”) attended a scheduling conference held by the Court on August 27, 2014.

IT IS ORDERED that the following discovery schedule is established in this contested matter in connection with the Eisner Claims. Failure to comply with this Order shall result in appropriate sanctions.

1. The Parties shall serve written discovery requests by September 22, 2014. The Parties may serve additional written discovery requests thirty days prior to the close of fact discovery.
2. The Parties will use best efforts to provide all non-privileged documents responsive to the initial discovery requests by October 22, 2014.
3. Depositions shall commence on November 15, 2014, and shall be governed by Rule 30 of the Federal Rules of Civil Procedure, as made applicable to this adversary proceeding by Rule 7030 of the Federal Rules of Bankruptcy Procedure.
4. The Parties are entitled to take third party discovery on the same schedule as party fact discovery.
5. All fact discovery will conclude on January 30, 2015.
6. The Parties shall disclose the identities of any testifying expert witnesses and serve any expert reports pursuant to Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure (made applicable to this matter pursuant to Rule 7026 of the Federal Rules of Bankruptcy Procedure) no later than February 13, 2015. All Parties will exchange expert reports on January 30, 2015.
7. Any Party's expert report intended to rebut any other expert report shall be served no later than March 23, 2014.
8. All expert depositions shall be completed on or before April 30, 2015.

9. All documents and discovery responses previously exchanged between the Parties, as well as the deposition of James O'Connell, shall be deemed to be part of this proceeding. All objections of the Parties as to the admissibility and use of such discovery and any subsequent discovery in this proceeding are preserved.

10. The Court shall hold a status conference on a date after April 30, 2015 to be determined in consultation with the Court, with respect to the venue for any dispositive motions and a trial.

11. Should a settlement be reached, counsel for the Parties shall promptly file any motion required by Rule 9019 of the Federal Rules of Bankruptcy procedure for approval of the settlement.

12. It is the responsibility of all counsel for the Parties to be thoroughly acquainted with and follow the procedures set forth in the statutes, the national and local bankruptcy rules, and the requirements of the judge.

13. The Clerk shall forward a copy of this order to all counsel of record.

14. This schedule is without prejudice to any Party seeking leave of the Court to adjust the discovery dates set forth herein as warranted.

SO ORDERED: Sep 25 2014

/s/ Kevin R. Huennekens
UNITED STATES BANKRUPTCY JUDGE

Entered on Docket:9/25/14

WE ASK FOR THIS:

/s/ Lynn L. Tavenner
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SEEN AND AGREED:

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CERTIFICATION

I hereby certify that the foregoing proposed Order has been either served on or endorsed by all necessary parties.

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